

MINUTES

UTAH Cosmetology/Barber, Esthetician, Electrology Nail Technology Licensing Board MEETING

March 5, 2007
Room 474 – 4TH Floor
160 E 300 S
Heber Wells Building
Salt Lake City, Utah 84111

Convened: 9:05 a.m.

Adjourned: 11:05 a.m.

Division Staff Present:

Bureau Manager
Board Secretary

Daniel T. Jones
Lee Avery

Members Present:

Lenette Johnson-Casper, Acting Chairperson
Marti Frasier
Ruth Ann Holloway
Dianne Niebuhr

Members Excused:

Debbie Fox, resigned
Monica Bruin, Chairperson
Fran Brown
Lyle Ferguson
Shauna Fox

Guests:

Deborah May
Meredith Trimmer
Teresa Buckman
Christine H.
Brooke Ercanbrack
Brenda Scharman
Natalie Parkin
Monica Villar
Jenny Murray
Christina MacArthur
Jeff Downward

DOPL Staff Present:

David Stanley, Division Director

TOPIC FOR DISCUSSION
Minutes

DECISIONS & RECOMMENDATIONS
Minutes for December 4, 2006 are held until the next

Board meeting, no quorum.

Introduction

Mr. Jones introduced the new Division Director, Mr. David Stanley to the Board. Mr. Stanley was appointed the new Director when Mr. Craig Jackson retired in December 2006.

Business from Previous Meeting:

Public and Open Meetings

Act Presentation, Daniel T. Jones

Mr. Jones postponed the Public and Open Meetings Act presentation until it can be presented to the full Board.

Appointments:

Viola Flores, Application Review

Mr. Jones advised the Board Ms. Flores is having problems passing the Utah Theory Exam to reinstate her Utah Cosmetology/Barber license. She practiced in Arizona for several years and let her Utah license expire. Ms. Flores was licensed in Arizona through reciprocity and was not required to pass Arizona exams. Mr. Jones stated Ms. Flores' Utah license has been expired more than two (2) years. Utah statutes require all licensees whose initial license has been expired more than two (2) years, meet current license requirements requiring her to pass the current Utah theory and practical exams. Mr. Jones stated she has been working with the Department of Rehabilitation in Price and requested to meet with the Board to see if there are other options she can proceed with to bring her Utah license current.

Ms. Flores advised the Board she passed the Utah Law exam after failing it six (6) times. She passed the Utah Practical exam at eighty eight percent (88%). Ms. Flores briefly reviewed her health problems and personal challenges with the Board. Ms. Flores stated she has a hard time remembering and feels this is partially because of the epilepsy seizures she has sustained over the years. Ms. Flores advised the Board she has been back in Utah about ten (10) years.

Ms. Holloway read a letter to the Board from the Utah Office of Rehabilitation, by Ms. Courtney Rebley on Ms. Flores behalf. This letter noted Ms. Flores's disabilities and how extensive they have worked with her in preparing her to pass the exams. Ms. Holloway also reviewed letters from Dr. Carlyle PHD., Clinical Psychologist regarding evaluations he completed, verifying Ms. Flores' disabilities. After talking with Ms. Flores in detail, Ms. Casper suggested a temporary license be issued. After further discussion, Ms. Holloway suggested the temporary license be issued for one year. Mr. Jones stated he will contact the Divisions representative with Thomson/Prometric and have a reader provided for Ms. Flores the next time she takes this exam.

Jenny Murray, Probation Interview

Ms. Murray presented herself to the Board. Ms. Frasier conducted the interview. Ms. Murray advised the Board she is still in drug court and attends two (2) support meetings a week. She does random drug screens two (2) times a week through drug court. Ms. Murray advised the Board she has been in drug court since March and in the program for over 2 years and is on step seven (7). The Board asked Ms. Murray to have the courts forward the results of her drug screens to the Division. Ms. Murray asked the Board to lift the supervision requirement on her stipulation because of the difficulty with her clients wanting her to work late, however her supervisors do not want to work late. Ms. Murray stated the owner does not have a problem with her working late and she submitted a letter from her employer. After discussing this with Ms. Murray in detail, Ms. Holloway suggested Ms. Murray obtain a letter from her employer stating it is ok for her to close the shop, the Board would revisit her request in June. Ms. Murray stated she booth rents. She is on criminal probation for fifteen months. It will be completed in about six (6) months. The Board asked to see Ms. Murray in June 2007. **In Compliance**

Page 4
Cosmetology/Barber, Esthetician,
Electrology, Nail Technology Licensing Board
March 5, 2007

Amanda Call, Probation Interview

Ms. Call failed to keep her appointment with the Board.

Discussion:

discussed out of order on the agenda

National Interstate Council of State Board of Cosmetology (NIC) Convention – Ms. Marti Frasier

Ms. Frasier advised the Board when she attended the NIC Convention in August 2006 she was approached by NIC representatives to see if Utah would be willing to host an NIC convention. Ms. Frasier stated this year the convention will be held in South Dakota and next year the convention will be in Jackson Hole. Ms. Frasier advised the Board the next opening will be 2009/2010. She will spearhead putting together a presentation working with the Utah Travel Council. Ms. Frasier stated NIC will handle most of the arrangements. After a brief discussion, the Board encouraged Ms. Frasier to proceed with the presentation.

New Statutes Barber Act Rules – Mr. Daniel T. Jones

Mr. Jones reviewed the new law changes in the Cosmetology Practice Act. He gave the Board copies for their review. Mr. Jones noted the formal education requirements for the stand alone 'Barber' license will be 1,000 hours of formal schooling or 1250 apprenticeship hours. This license is limited to cutting hair and shaving. There will be a separate barber exam and may be ready in October or November 2007.

Mr. Jones noted there were other changes including hair removal now allowing brazilian waxing, with a consent form. Mr. Jones stated this change will become effective April 30, 2007. Mr. Jones advised the Board the Cosmetology/Barber schools are not mandated to teach this, the decision will be up to the individual school owner. Mr. Jones stated the rules will be ready for review for the June Board meeting. Ms. Holloway expressed concern regarding students being required to learn the brazilian waxing because it's a part of the school curriculum. Mr. Jones stated

the brazilian waxing is more advanced and the student has the option of not learning this modality. Ms. Holloway suggested there be wording added to the rules to protect the student. Mr. Jones stated he is willing to review wording submitted to him for review. Mr. Downward from the School Owners Association questioned wording about the 2500 square foot minimum requirement in the rules. Mr. Jones stated he will add this.

Ethics Rule Definitions – Ms. Ruth Ann Holloway

Ms. Holloway gave the Board definition of genitalia noting this has been a topic of concern in past Board meetings. Ms. Holloway advised the Board the definition came from the medical reference guides used for medical students and nursing students. There are internal and external genitalia. Mr. Jones stated he will forward this information to the Attorney Generals office for review.

Mr. Jones advised the Board he has received information from the American Association of Cosmetology Schools, spring management convention March, 24 through 26, at the Las Vegas Hilton. Mr. Jones stated Board members can attend tuition free however the member attending will need to pay for their own transportation and room. Mr. Jones handed out applications for those interested.

Mr. Jones advised the Board there s a National Interstate Council of State Board of Cosmetology (NIC) Convention meeting Montana in April if anyone is interested in attending, let him know as soon as possible.

Mr. Jones advised the Board the National Interstate Council of State Board of Cosmetology (NIC) Convention is currently being held in South Dakota. Ms. Holloway stated she has been asked to speak at this convention. Mr. Jones asked the Board to

contact him if interested in attending any of these conventions/meetings he needs to know immediately to get the paperwork processed in time.

Stephanie Gammell, Probation Interview

Ms. Gammell presented herself to the Board. Ms. Holloway conducted the interview. Ms. Gammell briefly reviewed the reasons her license was placed on probation with the Board. Ms. Gammell advised the Board she has completed her court probation three (3) years ago. She finished Cosmetology school and obtained her Utah license.

The charge came while she was in Cosmetology School. She had moved to Texas about a year ago and decided to move back to Utah. Ms. Gammell stated she has been attending Alcoholics Anonymous (AA) meetings. Ms. Gammell stated she has been clean about four (4) years. She is in the process of having her criminal records expunged. Mr. Jones stated the Board needs her attendance cards in the meetings she has been attending. The Board asked to see Ms. Gammell in June 2007. **Not in Compliance**

Discussion:

The Board briefly discussed concerns regarding unofficial reports of Ms. Gammell currently using drugs. Mr. Jones stated he will require Ms. Gammell to submit documentation regarding her drug and alcohol treatment and the support meetings she has attended.

RuthAnn Griffiths, Probation Interview

Ms. Griffiths failed to keep her appointment with the Board.

Discussion:

Mr. Jones advised the Board he has received numerous complaints regarding the National Accrediting Commission of Cosmetology Arts/Sciences (NACCAS) and encouraged everyone to keep him advised of further complaints. He will be contacting Mr. Walck at NACCAS and let him know they need to do better. Jones stated the

Division look at other options if the problems continue for accreditation. Ms. Scharman advised the Board NACCAS is on probation with the agency who oversees the accrediting bodies. Mr. Jones stated he would like to know who this agency is. Ms. Scharman stated she will get him this information.

Application Review:

Mr. Jones advised the Board Ms. Booth will be meeting with it for the review of her application. Mr. Jones briefly reviewed Ms. Booth's history with the Board. Ms. Booth's cosmetology license was revoked by the Division because of criminal charges of exploitation of the elderly and forgery.

Ms. Mary Booth presented herself to the Board. Ms. Booth advised the Board she has met all of the requirements of her criminal probation. She had received a citation in from the Division for working without a license and has paid this citation in June 2005. Ms. Booth stated she has been out of the profession for four (4) years. Ms. Booth stated she would like her license back and is willing to agree to any stipulation the Board wants. Ms. Booth stated she is scheduled to take the exam. Ms. Booth stated she was charged with exploitation of the elderly. She changed the amounts on their checks. Ms. Booth said she was in jail for three (3) months and has paid all fines in full. Almost four thousand dollars (\$4,000) in court fines and restitution was approximately three thousand dollars (\$3,000). Ms. Booth advised the Board she did this because she was desperate for money however she has learned her lesson. Everything in her life has changed. She is very sorry for everything and is looking forward to putting this behind her and moving on with her life. Mr. Jones advised the Board Ms. Booth still needs to meet all current requirements. After a brief discussion, Ms. Holloway recommended Ms. Booth be given a Memorandum of Understanding (MOU) requiring the following:

1. Ms. Booth pass both exams.

Page 8
Cosmetology/Barber, Esthetician,
Electrology, Nail Technology Licensing Board
March 5, 2007

2. Works under direct supervision.
 3. She cannot handle money at all. All money will be given to a cashier.
 4. She will meet with the Board in June 2007.
- Ms. Booth stated she will agree to this.

Ms. Frasier motioned to adjourn at 11:05.

Next Board Meeting

Board meetings for 2007 have been scheduled June 11, September 12, December 3. Conference rooms to be announced.

June 11, 2007

Date Approved

(ss) Monica Bruin

Chairperson, Cosmetology/Barber, Esthetician,
Electrology/Nail Technology Licensing Board

June 11, 2007

Date Approved

(ss) Daniel T. Jones

Bureau Manager, Div. of Occupational &
Professional Licensing